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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,329	11/09/2001	Miruka Ishii	09812.0170-00000	5910

22852 7590 07/17/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/037,329	ISHII, MIRUKA
	Examiner	Art Unit	
	Celeste L. Loftin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 November 2000</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15,26-40 and 42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6,8-15,26-29,31-40 and 42</u> is/are rejected.

7) ☒ Claim(s) <u>7 and 30</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>19 November 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.　　Claims 26,27,40 and 42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Decasper et al. (Decasper), **(US Patent 7,035,907),** in view of

Armanto et al. (Armanto), **US Patent 6,094,587.**

　　Regarding claim 26, Decasper discloses a communication terminal device

comprising:

　　storing means for storing content which is offered by content provider and which

is transmitted from said server device in accordance with said user identification data

(the clients may directly query the master controller for new content objects that match

their local profiles and receive from the master controller a list of the new objects that

are available as well as their locations and the master controller initiates download

message to the client (client stores the content locally in one or more precache

memories)) **(col. 15 lines 55-67, col.9 lines 30-39, col. 9 lines 60-67)**;

　　communicating means for transmitting user identification data to a server device

and exchanging call data with said server device (the clients may directly query the

master controller for new content objects that match their local profiles and receive from

the master controller a list of the new objects that are available as well as their locations

and the master controller initiates download message to the client (client stores the content locally in one or more precache memories)) **(col. 15 lines 55-67, col.9 lines 30-39, col. 9 lines 60-67)**.

Decasper fails to disclose reproducing means for reproducing said content; and controlling means which retrieves said content from said storing means upon detection of incoming call data and causes said reproducing means to reproduce the retrieved content.

In a similar field of endeavor, Armanto discloses reproducing means for reproducing said content (the mobile station for wireless communication which has means for reproducing the ring tone as a signal of an incoming call) **(col. 3 lines 35-45)**; and

controlling means which retrieves said content from said storing means upon detection of incoming call data and causes said reproducing means to reproduce the retrieved content (the message is received from an antenna to a receiver of the mobile station wherefrom the message arrives at the central unit, which produces the control signal by reading from memory, and sends it to the sound generator) **(col. 13 lines 55-67, col. 14 lines 1-15)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Decasper to include reproducing means for reproducing said content; and controlling means which retrieves said content from said storing means upon detection of incoming call data and causes said reproducing means to reproduce the

retrieved content. Motivation for this modification would have been to have a client that was a wireless phone or other communication device.

Regarding claim 27, the combination further discloses a communication terminal device according to claim 26. Armanto further disclose wherein said controlling means causes said reproducing means to reproduce said content upon detection of said incoming call data from other terminal device (the mobile station for wireless communication which has means for reproducing the ring tone as a signal of an incoming call) **(col. 3 lines 35-45)**; proceeds to establish a connection with said other terminal device in response to an operation performed by a user while said content is being reproduced; and terminates the reproduction of said content once said connection with said other terminal device is established (when the user answers the phone by pressing the answer key the user int3erface gives a signal to the central unit which as a response to the pressing of the key stops giving the sound generator the ring tone control signal, whereupon the ringing tone stops) **(col. 14 lines 1-15)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Decasper to include reproducing wherein said controlling means causes said reproducing means to reproduce said content upon detection of said incoming call data from other terminal device; proceeds to establish a connection with said other terminal device in response to an operation performed by a user while said content is being reproduced; and terminates the reproduction of said content once said connection with said other terminal device is established. Motivation for this

modification would have been to have a client that was a wireless phone or other

communication device.

Regarding claim 40, Decasper disclose a data communication method

comprising the steps of:

allowing a communication terminal device to transmit user identification data to a

server device (the master controller knows fourth things, the content clients want based

on profiles (see col. 6 lines 40-49) received from clients, the new content that is

available (i.e. content), the location of the new content (i.e. content provider

identification) (which is reported to the master controller by the content servers)) **(see

col. 6 lines 40-49 col. 7 lines 49-67, col. 9 lines 5-20))**;

allowing said communication terminal device to store a content which is offered

by a content provider and which is transmitted from said server device in Accordance

with said user identification data (the clients may directly query the master controller for

new content objects that match their local profiles and receive from the master controller

a list of the new objects that are available as well as their locations and the master

controller initiates download message to the client (client stores the content locally in

one or more precache memories)) **(col. 15 lines 55-67, col.9 lines 30-39, col. 9 lines

60-67)**.

Decasper fails to disclose allowing said communication terminal device to

retrieve the stored content upon detection of incoming call data and to reproduce the

retrieved content.

In a similar field of endeavor, Armanto discloses allowing said communication terminal device to retrieve the stored content upon detection of incoming call data and to reproduce the retrieved content (the ringing tone is sent to the mobile station in a short message, the message is stored in a memory, the mobile phone has a means for reproducing the ring tone as a signal of an incoming call) **(col. 3 lines 34-46, col. 4 lines 15-32).**

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Decasper to include allowing said communication terminal device to retrieve the stored content upon detection of incoming call data and to reproduce the retrieved content. Motivation for this modification would have been to have a client that was a wireless phone or other communication device.

Regarding claim 42, Decasper disclose a storage medium which stores a data communication method program comprising the steps of:

allowing a communication terminal device to transmit user identification data to a server device (the master controller knows fourth things, the content clients want based on profiles (see col. 6 lines 40-49) received from clients, the new content that is available (i.e. content), the location of the new content (i.e. content provider identification) (which is reported to the master controller by the content servers)) **(see col. 6 lines 40-49 col. 7 lines 49-67, col. 9 lines 5-20));**

allowing said communication terminal device to store a content which is offered by a content provider and which is transmitted from said server device in Accordance with said user identification data (the clients may directly query the master controller for

new content objects that match their local profiles and receive from the master controller

a list of the new objects that are available as well as their locations and the master

controller initiates download message to the client (client stores the content locally in

one or more precache memories)) **(col. 15 lines 55-67, col.9 lines 30-39, col. 9 lines

60-67).**

Decasper fails to disclose allowing said communication terminal device to

retrieve the stored content upon detection of incoming call data and to reproduce the

retrieved content.

In a similar field of endeavor, Armanto discloses allowing said communication

terminal device to retrieve the stored content upon detection of incoming call data and

to reproduce the retrieved content (the ringing tone is sent to the mobile station in a

short message, the message is stored in a memory, the mobile phone has a means for

reproducing the ring tone as a signal of an incoming call) **(col. 3 lines 34-46, col. 4

lines 15-32).**

At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify Decasper to include allowing said communication terminal device to

retrieve the stored content upon detection of incoming call data and to reproduce the

retrieved content. Motivation for this modification would have been to have a client that

was a wireless phone or other communication device.

3.   Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Decasper et al. (Decasper), **(US Patent 7,035,907),** in view of Yoshida et al. (Yoshida)

US Publication 2002/0042777.

Regarding claim 39, Decasper discloses a data communication method comprising the steps of:

allowing a server device to receive from a first terminal device a content and content provider identification data identifying the provider of said content, and to receive and store user identification data from a second terminal device (the master controller knows fourth things, the content clients want based on profiles received from clients and the new content that is available (which is reported to the master controller by the content servers)) **(col. 7 lines 49-67, col. 9 lines 5-20))**; and

allowing said server device which stores first account information corresponding to said content provider identification data and second account information corresponding to said user identification data (the master controller knows fourth things, the content clients want based on profiles (see col. 6 lines 40-49) received from clients, the new content that is available (i.e. content), the location of the new content (i.e. content provider identification) (which is reported to the master controller by the content servers)) **(see col. 6 lines 40-49 col. 7 lines 49-67, col. 9 lines 5-20))**;

to transmit said content to said second terminal device based on said user identification data (the clients may directly query the master controller for new content objects that match their local profiles and receive from the master controller a list of the new objects that are available as well as their locations and the master controller initiates download message to the client (client stores the content locally in one or more precache memories)) **(col. 15 lines 55-67, col.9 lines 30-39, col. 9 lines 60-67)**.

Decasper fails to discloses to increment first amount information in said first account information when receiving said content from said first terminal device; and to decrement second amount information in said second account information upon transmission of said content to said second terminal device.

In a similar field of endeavor, Yoshida further discloses increment first amount information in said first account information when receiving said content from said first terminal device (the charging information updated with respect to the content purchase made this time by adding the login formation as such content name for the purchased content) **(pg. 12 paragraph [0247]-[0249])**, to decrement second amount information in said second account information upon transmission of said content to said second terminal device (in this charging process the charging information is stored in the customer information for example if the content is 200 yen, 200 yen is subtracted from the remaining amount) **(pg. 12 paragraph [0247]-[0249])**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Decasper to include to increment first amount information in said first account information when receiving said content from said first terminal device; and to decrement second amount information in said second account information upon transmission of said content to said second terminal device. Motivation for this modification would have been to allow the purchasing of distributed content with ease, convenience and security (see Yoshida pg. 1 paragraph [0014]).

4.   Claims 1-6, 8-15, and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Decasper et al. (Decasper), **(US Patent 7,035,907)**, in view of

Yoshida et al. (Yoshida) **US Publication 2002/0042777**, in further view of Armanto et

al. (Armanto), **US Patent 6,094,587.**

Regarding claim 1, Decasper discloses a data communication system

comprising:

a first terminal device for transmitting content and content provider identification

data identifying the provider of said content (the master controller knows fourth things,

the content clients want based on profiles received from clients, the new content that is

available (i.e. content), the location of the new content (i.e. content provider

identification) (which is reported to the master controller by the content servers)) **(col. 7**

lines 49-67, col. 9 lines 5-20));

a server device for receiving and storing the transmitted content and content

provider identification data (the master controller knows fourth things, the content clients

want based on profiles received from clients and the new content that is available

(which is reported to the master controller by the content servers)) **(col. 7 lines 49-67,**

col. 9 lines 5-20)); and

a second terminal device which transmit user identification data to said server

device (clients could comprise a PC, a work station, a network appliance device, a

wireless phone and in one embodiment the client could forward its profile to the

controller and having indicate when to download new content objects) **(col. 7 lines 140-**

20, col. 6 lines 10-20 and lines 40-50), which receives and stores said content from

said server device based on said user identification data (the clients may directly query

the master controller for new content objects that match their local profiles and receive

from the master controller a list of the new objects that are available as well as their

locations and the master controller initiates download message to the client (client

stores the content locally in one or more precache memories)) **(col. 15 lines 55-67,**

col.9 lines 30-39, col. 9 lines 60-67); and wherein said server device stores first

account information corresponding to said content provider identification data and

second account information corresponding to said user identification data (the master

controller knows fourth things, the content clients want based on profiles (see col. 6

lines 40-49) received from clients, the new content that is available (i.e. content), the

location of the new content (i.e. content provider identification) (which is reported to the

master controller by the content servers)) **(see col. 6 lines 40-49 col. 7 lines 49-67,**

col. 9 lines 5-20)).

Decasper fails to discloses reproduces the stored content upon detection of an

incoming call;

said server device incrementing first amount information in said first account

information when receiving said content from said first terminal device, said server

device decrementing second amount information in said second account information

when transmitting said content to said second terminal device.

In a similar field of endeavor, Yoshida further discloses said server device

incrementing first amount information in said first account information when receiving

said content from said first terminal device (the charging information updated with

respect to the content purchase made this time by adding the login formation as such

content name for the purchased content) **(pg. 12 paragraph [0247]-[0249])**, said server

device decrementing second amount information in said second account information when transmitting said content to said second terminal device (in this charging process the charging information is stored in the customer information for example if the content is 200 yen, 200 yen is subtracted from the remaining amount) **(pg. 12 paragraph [0247]-[0249])**.

Yoshida fails to disclose reproduces the stored content upon detection of an incoming call.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Decasper to include said server device incrementing first amount information in said first account information when receiving said content from said first terminal device, said server device decrementing second amount information in said second account information when transmitting said content to said second terminal device. Motivation for this modification would have been to allow the purchasing of distributed content with ease, convenience and security (see Yoshida pg. 1 paragraph [0014]).

In a similar field of endeavor, Armanto discloses reproduces the stored content upon detection of an incoming call (the ringing tone is sent to the mobile station in a short message, the message is stored in a memory, the mobile phone has a means for reproducing the ring tone as a signal of an incoming call) **(col. 3 lines 34-46, col. 4 lines 15-32)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Decasper to include reproduces the stored content upon detection of

an incoming call. Motivation for this modification would have been to have a client that was a wireless phone or other communication device.

Regarding claim 2, the combination discloses a data communication system according to claim 1. Decasper further discloses further discloses wherein said first account information includes first account data corresponding to said content provider identification data and said second account information includes second account data corresponding to said user identification data (the master controller knows fourth things, the content clients want based on profiles (see col. 6 lines 40-49) received from clients, the new content that is available (i.e. content), the location of the new content (i.e. content provider identification) (which is reported to the master controller by the content servers)) **(see col. 6 lines 40-49 col. 7 lines 49-67, col. 9 lines 5-20)).**

Yoshida further discloses wherein said server device comprises communicating means for transmitting said first and said second account information to an external settlement center, said server device thereby prompting said external settlement center through said communicating means to settle account balances corresponding to said first account data based on the amounts represented by said first amount information and to settle account balances corresponding to said second account data based on the amounts represented by said second amount information (the distribution service management system section of the server executes charging process for the charge of the content requested for purchase) **(pg. 12 paragraphs [0247]-[0249]).**

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include said server device comprises

communicating means for transmitting said first and said second account information to

an external settlement center, said server device thereby prompting said external

settlement center through said communicating means to settle account balances

corresponding to said first account data based on the amounts represented by said first

amount information and to settle account balances corresponding to said second

account data based on the amounts represented by said second amount information.

Motivation for this modification would have been to allow the purchasing of distributed

content with ease, convenience and security (see Yoshida pg. 1 paragraph [0014]).

Regarding claim 3, the combination discloses a data communication system

according to claim 1. Decasper further discloses wherein said second terminal device

comprises:

storing means for storing said content transmitted from said server device client

stores the content locally in one or more precache memories)) **(col. 15 lines 55-67,**

col.9 lines 30-39, col. 9 lines 60-67).

Armanto further discloses reproducing means for retrieving said content from

said storing means and reproducing the retrieved content (the mobile station for

wireless communication which has means for reproducing the ring tone as a signal of

an incoming call) **(col. 3 lines 35-45)**;

incoming call detecting means for detecting an incoming call from other terminal

device (when a call is coming in according to the specifications of the mobile, a ·

message from the base station arrives first at the mobile station and is received from an

antenna to a receiver) **(col. 13 lines 55-67)**; and

controlling means which, if said incoming call detecting means detects an incoming call from other terminal device, causes said reproducing means to reproduce said content (the message is received from an antenna to a receiver of the mobile station wherefrom the message arrives at the central unit, which produces the control signal by reading from memory, and sends it to the sound generator) **(col. 13 lines 55-67, col. 14 lines 1-15)**;

which proceeds to establish a connection with said other terminal device in response to an operation performed by a user while said content is being reproduced; and which terminates the reproduction of said content once said connection with said other terminal device is established (when the user answers the phone by pressing the answer key the user int3erface gives a signal to the central unit which as a response to the pressing of the key stops giving the sound generator the ring tone control signal, whereupon the ringing tone stops) **(col. 14 lines 1-15)**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Decasper to include reproducing means for retrieving said content from said storing means and reproducing the retrieved content; incoming call detecting means for detecting an incoming call from other terminal device; and controlling means which, if said incoming call detecting means detects an incoming call from other terminal device, causes said reproducing means to reproduce said content; which proceeds to establish a connection with said other terminal device in response to an operation performed by a user while said content is being reproduced; and which terminates the reproduction of said content once said connection with said other

terminal device is established. Motivation for this modification would have been to have a client that was a wireless phone or other communication device.

Regarding claim 4, the combination discloses a data communication system according to claim 3. Yoshida further discloses wherein said server device makes a larger decrement in said second amount information the greater the number of times said content has been reproduced on said second terminal device (the charging information updated with respect to the content purchase made this time by adding the login formation as such content name for the purchased content) **(pg. 12 paragraph [0247]-[0249])**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to include wherein said server device makes a larger decrement in said second amount information the greater the number of times said content has been reproduced on said second terminal device. Motivation for this modification would have been to allow the purchasing of distributed content with ease, convenience and security (see Yoshida pg. 1 paragraph [0014]).

Regarding claim 5, the combination discloses a data communication system according to claim 4. Yoshida further discloses wherein said server device makes a larger decrement in said second amount information the higher a reproduction volume of said content is on said second terminal device (in this charging process the charging information is stored in the customer information for example if the content is 200 yen, 200 yen is subtracted from the remaining amount) **(pg. 12 paragraph [0247]-[0249])**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to wherein said server device makes a larger decrement in said second amount information the higher a reproduction volume of said content is on said second terminal device. Motivation for this modification would have been to allow the purchasing of distributed content with ease, convenience and security (see Yoshida pg. 1 paragraph [0014]).

Regarding claim 6, the combination discloses a data communication system according to claim 5. Yoshida further discloses wherein said server device decrements said second amount information only if the reproduction volume of said content on said second terminal device is greater than zero (it should be noted that, in this charging processing, a simple charge subtraction process may not be executed depending on the relationship between remaining prepaid amount and content price) **(pg. 12 paragraphs [0247]-[0250])**.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination to wherein said server device decrements said second amount information only if the reproduction volume of said content on said second terminal device is greater than zero. Motivation for this modification would have been to allow the purchasing of distributed content with ease, convenience and security (see Yoshida pg. 1 paragraph [0014]).

Regarding claim 8, the combination discloses a data communication system according to claim 1. Decasper further discloses wherein said server device selects those of said user identification data from said second terminal device which complies

with distribution conditions applicable to said content transmitted from said first terminal

device, said server device further transmitting said content to the second terminal

device from which the selected user identification data has been received (the master

controller knows fourth things, the content clients want based on profiles (see col. 6

lines 40-49) received from clients, the new content that is available (i.e. content), the

location of the new content (i.e. content provider identification) (which is reported to the

master controller by the content servers)) **(see col. 6 lines 40-49 col. 7 lines 49-67,**

col. 9 lines 5-20)).

Regarding claim 9 and 31, the combination discloses a data communication

system according to claim 1. Decasper further discloses wherein said server device

returns a list of said content to said second terminal device in response to access

therefrom; and wherein said second terminal device has selecting means for selecting

from the content list a content desired to be downloaded (the clients may directly query

the master controller for new content objects that match their local profiles and receive

from the master controller a list of the new objects that are available as well as their

locations and the master controller initiates download message to the client (client

stores the content locally in one or more precache memories)) **(col. 15 lines 55-67,**

col.9 lines 30-39, col. 9 lines 60-67).

Regarding claim 10 and 32, the combination discloses a data communication

system according to claim 1. Decasper further discloses wherein said second terminal

device comprises delete inhibit controlling means for inhibiting deletion of a content

transmitted from said server device (if a request is detected, the client can intercept the

request and satisfies the request by returning the stored content from its local precache

memory) **(col. 9 lines 40-55)**.

Regarding claims 11 and 33, the combination discloses a data communication

system according to claim 1. Decasper further discloses wherein said content is music

data (client may download sound files) **(col. 9 lines 30-40)**.

Regarding claims 12 and 34, the combination discloses A data communication

system according to claim 1. Decasper further discloses wherein said content is

promotion video data (client may download video) **(col. 9 lines 30-40)**.

Regarding claim 13 and 35, the combination discloses a data communication

system according to claim 1. Decasper further discloses wherein said provider is a

content sponsor (the clients may directly query the master controller for new content

objects that match their local profiles and receive from the master controller a list of the

new objects that are available as well as their locations and the master controller

initiates download message to the client (client stores the content locally in one or more

precache memories)) **(col. 15 lines 55-67, col.9 lines 30-39, col. 9 lines 60-67)**.

Regarding claim 14 and 36, the combination discloses a data communication

system according to claim 1. Decasper further discloses wherein said second terminal

device is a mobile communication terminal device (a client that was a wireless phone or

other communication device) **(col. 6 lines 10-15)**.

Regarding claim 15 and 37, the combination discloses a data communication

system according to claim 1. Decasper further discloses wherein said second terminal

device comprises a plurality of portable telephones (a clients that was a wireless phone

or other communication device) **(col. 6 lines 10-15)**.

Regarding claim 38, Decasper discloses a data communication system

comprising:

allowing a first terminal device to transmit to a server content and content

provider identification data identifying the provider of said content (the master controller

knows fourth things, the content clients want based on profiles received from clients, the

new content that is available (i.e. content), the location of the new content (i.e. content

provider identification) (which is reported to the master controller by the content

servers)) **(col. 7 lines 49-67, col. 9 lines 5-20))**;

allowing a server device to receive and store said content and content provider

identification data and said user identification data (the master controller knows fourth

things, the content clients want based on profiles received from clients and the new

content that is available (which is reported to the master controller by the content

servers)) **(col. 7 lines 49-67, col. 9 lines 5-20))**; and

allowing a second terminal device which transmit user identification data to said

server device (clients could comprise a PC, a work station, a network appliance device,

a wireless phone and in one embodiment the client could forward its profile to the

controller and having indicate when to download new content objects) **(col. 7 lines 140-

20, col. 6 lines 10-20 and lines 40-50)**.

allowing a said second terminal to receive an store the transmitted content (the

clients may directly query the master controller for new content objects that match their

local profiles and receive from the master controller a list of the new objects that are

available as well as their locations and the master controller initiates download message

to the client (client stores the content locally in one or more precache memories)) **(col.**

15 lines 55-67, col.9 lines 30-39, col. 9 lines 60-67); and

allowing said server device which stores first account information corresponding

to said content provider identification data and second account information

corresponding to said user identification data (the master controller knows fourth things,

the content clients want based on profiles (see col. 6 lines 40-49) received from clients,

the new content that is available (i.e. content), the location of the new content (i.e.

content provider identification) (which is reported to the master controller by the content

servers)) **(see col. 6 lines 40-49 col. 7 lines 49-67, col. 9 lines 5-20))**.

Decasper fails to discloses allowing said second terminal device to reproduce the

stored content upon detection of an incoming call;

allowing a said server device incrementing first amount information in said first

account information when receiving said content from said first terminal device, said

server device decrementing second amount information in said second account

information when transmitting said content to said second terminal device.

In a similar field of endeavor, Yoshida further discloses allowing a said server

device incrementing first amount information in said first account information when

receiving said content from said first terminal device (the charging information updated

with respect to the content purchase made this time by adding the login formation as

such content name for the purchased content) **(pg. 12 paragraph [0247]-[0249])**, said

server device decrementing second amount information in said second account

information when transmitting said content to said second terminal device (in this

charging process the charging information is stored in the customer information for

example if the content is 200 yen, 200 yen is subtracted from the remaining amount)

(pg. 12 paragraph [0247]-[0249]).

Yoshida fails to disclose allowing said second terminal device to reproduce the

stored content upon detection of an incoming call;

At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify Decasper to include allowing said server device incrementing first

amount information in said first account information when receiving said content from

said first terminal device, said server device decrementing second amount information

in said second account information when transmitting said content to said second

terminal device. Motivation for this modification would have been to allow the

purchasing of distributed content with ease, convenience and security (see Yoshida pg.

1 paragraph [0014]).

In a similar field of endeavor, Armanto discloses allowing said second terminal

device to reproduce the stored content upon detection of an incoming call;

(the ringing tone is sent to the mobile station in a short message, the message is stored

in a memory, the mobile phone has a means for reproducing the ring tone as a signal of

an incoming call) **(col. 3 lines 34-46, col. 4 lines 15-32).**

At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify Decasper to include allowing said second terminal device to reproduce

the stored content upon detection of an incoming call. Motivation for this modification

would have been to have a client that was a wireless phone or other communication

device.

5.   Claims 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Decasper et al. (Decasper), **(US Patent 7,035,907),** in view of Armanto et al.

(Armanto), **US Patent 6,094,587,** in further view of Yoshida et al. (Yoshida) **US**

Publication 2002/0042777.

Regarding claim 28, the combination discloses A communication terminal device

according to claim 27, but fails to disclose wherein said controlling means causes said

communicating means to transmit to said server device the number of times said

content has been reproduced by said reproducing means.

In a similar field of endeavor, Yoshida discloses wherein said controlling means

causes said communicating means to transmit to said server device the number of

times said content has been reproduced by said reproducing means (the charging

information updated with respect to the content purchase made this time by <u>adding</u> the

login formation as such content name for the purchased content) **(pg. 12 paragraph**

[0247]-[0249]).

At the time of the invention it would have been obvious to one of ordinary skill in

the art to modify the combination to wherein said controlling means causes said

communicating means to transmit to said server device the number of times said

content has been reproduced by said reproducing means. Motivation for this

modification would have been to allow the purchasing of distributed content with ease,

convenience and security (see Yoshida pg. 1 paragraph [0014]).

Regarding claim 29, the combination discloses a communication terminal device according to claim 28. Yoshida further discloses wherein said controlling means causes said communicating means to transmit to said server device a volume of said content reproduced by said reproducing means (the terminal reads the prepaid information from the recording medium and checks the remaining recordable capacity and send these) **(pg. 15 paragraph [0314]).**

Allowable Subject Matter

6.   Claims 7 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celeste L. Loftin whose telephone number is 571-272-2842. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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